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6 Attorneys for  
7 Petitioner CHASE HOME FINANCE LLC

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10  
11 FRANKI BOLORIN and ROSA RAMOS,

12 Plaintiffs,

13 v.

14 REINER, REINER & BENDETT, P.C.,

15 Defendant.

16  
17 CHASE HOME FINANCE, LLC, a Delaware  
18 limited liability company

19 Petitioner,

20 v.

21 FRANKI BOLORIN and ROSA RAMOS,

22 Respondents.  
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FILED

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: CP

DEPUTY

CASE NO.: 07CV2169 JAH (WMC)

ORDER GRANTING PETITION OF  
CHASE HOME FINANCE LLC TO  
QUASH DEPOSITION SUBPOENA  
DUCES TECUM

Date: January 28, 2008

Time: 11:00 a.m.

Ctrom: "C"

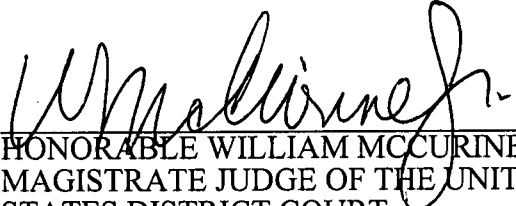
1 The Petition to Quash Deposition Subpoena Duces Tecum ("Petition") of petitioner Chase  
2 Home Finance LLC ("Chase") came regularly for hearing on January 28, 2008, at 11:00 a.m. in  
3 Courtroom "C" of the above-entitled Court, the Honorable William McCurine, Magistrate Judge,  
4 presiding. S. Christopher Yoo, Esq. of Adorno, Yoss, Alvarado & Smith, a Professional  
5 Corporation, appeared for Chase. Joshua B. Swigart, Esq. of Hyde & Swigart appeared for  
6 respondents Franki Bolorin ("Bolorin") and Rosa Ramos ("Ramos" and collectively, or  
7 "Respondents"). The Court, having considered the moving, opposing, and reply papers, and the oral  
8 arguments of counsel ordered as follows:

9 1. Chase made three arguments in support of its petition. Chase argued that there was  
10 no evidence the subject deposition subpoena was personally served on Chase. The court overrules  
11 this argument. Under Federal Rules of Civil Procedure ("FRCP") 45(b)(1), there is no requirement  
12 that the subpoena had to be personally served. Moreover, in its June 7, 2007 letter, Chase admitted  
13 that it had been "served" with the subpoena. Therefore, the Court finds that Chase was properly  
14 served with the subject deposition subpoena. Chase also argued that the subject deposition subpoena  
15 is invalid because it exceeded the one hundred (100) mile rule set forth in FRCP 45(c)(3)(A)(ii).  
16 However, the Court finds that because the deposition subpoena only required production of  
17 documents and not personal attendance, the subject deposition subpoena did not violate the one  
18 hundred (100) mile rule set forth in FRCP 45(c)(3)(A)(ii). However, the Court agrees with Chase's  
19 contention that "unusual circumstances" exist in this matter, because the deposition subpoena on its  
20 face seeks documents arguably protected by the attorney-client privilege. Further, there is no  
21 evidence that Chase failed to act in good faith. *Moon v. SCP Pool Corp.*, 232 FRD 633, 636 (C.D.  
22 Cal 2005). Therefore, the Court grants the Petition in part, and rules that Chase did not waive any  
23 privilege, including attorney-client privilege, in connection with the documents requested in the  
24 subject deposition subpoena.

25 2. However, the Court does not make any determination or ruling as to whether the  
26 documents requested in the subject deposition subpoena are indeed privileged. Under the court  
27 powers set forth in FRCP Rule 26(c), the Court transfers this issue and all other matters not  
28 expressly covered by this ruling to the United States District Court, District of Connecticut action

1 entitled, *Bolorin et al v. Borinno, Reiner, Reiner & Bendett*, the United States District Court, District  
2 of Connecticut, Case No. 06-CV-01295-AWT ("Connecticut Action"), is already pending in the  
3 Connecticut District Court, and a motion to compel previously filed by Respondents in the  
4 Connecticut Action addressing the similar issues is under submission.

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8 Date: February 5, 2008

  
HONORABLE WILLIAM MCCURINE, JR.  
MAGISTRATE JUDGE OF THE UNITED  
STATES DISTRICT COURT

ADORNO YOSS ALVARADO & SMITH  
ATTORNEYS AT LAW  
SANTA ANA